

NEWPORT BEACH ZONING ADMINISTRATOR MINUTES
100 Civic Center Drive, Newport Beach
Corona del Mar Conference Room (Bay E-1st Floor)
Thursday, April 25, 2013
REGULAR HEARING
3:30 p.m.

A. CALL TO ORDER – The meeting was called to order at 3:30 p.m.

Staff Present: Brenda Wisneski, Zoning Administrator
Jaime Murillo, Associate Planner

B. MINUTES of April 11, 2013

Action: Approved

C. PUBLIC HEARING ITEMS

ITEM NO. 1 West Marine Towers - Modification Permit No. MD2013-005 (PA2013-053)
3425 and 3433 Via Lido CD 1

Jaime Murillo, Associate Planner, provided a brief project description stating that the subject property is currently undergoing interior and exterior alterations in conjunction with tenant improvements for West Marine. As part of this remodel, the westerly entrance of the building will be relocated, the northerly entrance will be eliminated, and the easterly entrance will remain. To distinguish the entrances into the remodeled retail building, the applicant is proposing to construct two new tower elements. The existing building currently measures 31 feet 9 inches in height and the proposed towers would measure approximately 2 feet 3 inches in higher than the existing building. Mr. Murillo mentioned that the Zoning Code permits the increased height for architectural features with a modification permit, and recommended approval of the request.

Ryan Jones of Fritz Duda Company, on behalf of West Marine, stated that he had reviewed the draft resolution and the required conditions.

The Zoning Administrator opened the public hearing. One member of the public, Sam O'Shay, was in attendance but stated that he had no comment and was just curious about the project. There were no other public comments.

The Zoning Administrator commented that the requested increase in height was reasonable and not overpowering to the overall development. In response to the Zoning Administrator's inquiry, Mr. Jones discussed future plans for remodeling other portions of the shopping center and potential tenant selection. The Zoning Administrator mentioned that written correspondence was received from Mr. Jim Mosher raising concerns with regard to the pedestrian connections within the shopping center and the effect of eliminating the northerly entrance. Mr. Jones responded saying that as a retail tenant, it was West Marine's desire to minimize the number of entry points; however, they are constructing an expanded patio and display area near the west entrance, which includes seating for pedestrian convenience.

The Zoning Administrator took action and approved Modification Permit MD2013-005 incorporating the typographical corrections to the Resolution related to Section 2.1 and Finding A.1 as submitted by Mr. Mosher.

Action: Approved as amended

D. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

ADJOURNMENT

The hearing was adjourned at 3:36 p.m.

The agenda for the Zoning Administrator Hearing was posted on April 18, 2013, at 3:00 p.m. on the City Hall Bulletin Board located in the entrance of the Council Chambers at 100 Civic Center Drive and on the City's website on April 18, 2013, at 3:05 p.m.

Brenda Wisneski, AICP, Zoning Administrator

DRAFT

May 16, 2013, Zoning Administrator Agenda Items

Comments submitted by: Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229)

General comments:

1. The "Public Notice" section of all four hearing item staff reports says notice was published, mailed and "*posted on the subject property at least 10 days **prior to the decision date**, consistent with the provisions of the Municipal Code.*" NBMC Section 20.62.020.B actually requires those actions to be completed "*at least ten (10) days **before the scheduled hearing**,*" not the decision (which could presumably come many days after the initial hearing). The statements in the staff reports provide no assurance the hearings were properly noticed, although the resolutions say they were.
2. Passages shown below, with no further explanation, but in *italics* with **strikeout underline** are suggested corrections of what seem to be typos.

Item B: Minutes of April 25, 2013

Page 1, Item C, paragraph 1: "...*the proposed towers would measure approximately 2 feet 3 inches **in** higher than the existing building.*"

Item C.2. 424 Marguerite Avenue Parcel Map (PA2013-060)

Comments on Draft Resolution (Attachment No. ZA 1):

1. Section 1.4: "*The subject property is not located within the **coastal-zone Coastal Zone**.*"
2. The Facts in Support of Finding: I-1. : "*Therefore, the parcel map for condominium purposes will not affect the City in meeting its regional housing need*" seem questionable:
 - a. Section 66412.3 of the Subdivision Map Act involves considering the housing needs of the region and "*balanc[ing] these needs against the public service needs of its residents and available fiscal and environmental resources.*"
 - b. California Government Code Section 65584 involves housing for all income levels, and not having a disproportionate fraction in any one category.
 - c. By adding one unit to the City's housing stock in a particular income category, doesn't this approval affect the City's ability to meet its goals with respect to both these sections?
3. Exhibit "A" : Conditions of Approval
 - a. Condition "10. All above ground improvements shall stay a minimum **of** 5-feet clear of the alley setback."